

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BRODY,

Plaintiff,

v.

LORNA BRODY, ROBERT BRODY, and
EVELYN BRODY, 466 BROOME STREET
OF NEW YORK CITY, INC.,

Defendants.
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Index No. 07 CIV 7981 (RJS)

AFFIDAVIT IN OPPOSITION

STATE OF MASSACHUSETTS)
) ss.:
COUNTY OF NORFOLK)

Richard Brody, being duly sworn, deposes and says:

1. I moved to Massachusetts in 1975 to take a position at WNTN as a sales representative and on-air announcer. Between 1975 and today, I have worked at approximately eight different radio stations, and I am currently employed as a senior account executive by WZLX.

2. In September 1995, I had no financial resources due to the liquidation of virtually all my savings to meet my mother's repeated demands for money on behalf of 466 Broome Street of New York City, Inc. (the "Corporation").

3. When I told my mother that I could not continue to provide the Corporation with money, she responded, "Oh, I see what you're saying, you're saying that you want us to pay your share of the taxes. Well, ok, we are willing to pay your share, but you will have to give up your shares of the building. I'm going to call you

back in fifteen minutes and dictate a letter that you are going to have to create, sign, and get to us.”

4. When I sold my 13.333 shares of the Corporation for \$1 in September 1995, I relied on my mother and siblings, and I did not know that the Corporation had any value, nor did I have the money to hire anyone to evaluate the truth of my mother and sister's statements.

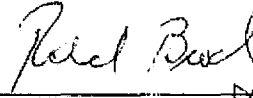
5. When I sold my shares, I had been living in Massachusetts for twenty years and did not know any real estate agents or business appraisers in New York City, nor could I have afforded to hire them, if I had known any.

6. After I sold my shares of the Corporation, my mother continued to inform me in our weekly phone calls and on nearly a weekly basis that “business was terrible” and “they were on the brink of going under.” My mother told me this approximately every week until January 2007. I accepted what she said. I did not doubt her, and I did not inquire further.

7. When I learned from my brother's lawsuit in fall 2006 that 466 Broome Street was going to be sold for a substantial amount of money, and that my family had been leasing space at substantially below market rates from the Corporation for decades, I confronted my mother in December 2006 and requested that she and my siblings pay me the approximately \$50,000 that I had provided to them between 1993 and 1995. In response, my mother volunteered that she would rather give me \$1 million. A short time later, she rescinded her offer.

8. When I telephoned my mother again and requested that my family at least give me the approximately \$50,000 that I had paid between 1993 and 1995, she

responded by stating that would be unfair to my brother and sister and suggested that
needed money that I should liquidate my son's college fund.



Richard Brody

Sworn to before me this
3rd day of March, 2008



DAWN HUTCHINSON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 18, 2012